

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>9/17/09</u>
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
BROTHER T. WILLIAMS BEY, NIYYIRAH EL, :
LINCOLN SALMON, JUAN ANTONIO MARTINEZ, :
SR., S. JUAN ANTONIO MARTINEZ, JR., :
SONYA SIMMONS, JOYCE NIX, et al., :
Plaintiffs, :
:
-v- :
:
THE COMMISSIONERS OF ELECTIONS :
CONSTITUTING THE BOARD OF ELECTIONS IN :
THE CITY OF NEW YORK, :
Defendants. :
:
-----X

09 Civ. 7560 (DLC)

ORDER

DENISE COTE, District Judge:

At a conference held on September 16, 2009, all plaintiffs except Brother T. Williams Bey made an application on the record to voluntarily dismiss their complaint pursuant to Federal Rule of Civil Procedure 41(a). At the same conference, Mr. Williams Bey, who is proceeding pro se, requested leave to amend his complaint pursuant to Federal Rule of Civil Procedure 15(a). Accordingly, it is hereby

ORDERED that the application of all plaintiffs except Mr. Williams Bey to voluntarily dismiss the action is GRANTED. The claims of all plaintiffs except Mr. Williams Bey are voluntarily dismissed, without prejudice, pursuant to Rule 41(a).

IT IS FURTHER ORDERED that the plaintiff shall file his amended complaint, and serve the amended complaint upon the

defendants, by **Friday, October 9, 2009**. Defendants shall either answer or move to dismiss the amended complaint by **Friday, October 30, 2009**. In the event that a defendant files a motion to dismiss, plaintiff shall submit his opposition to the Court, and serve his opposition upon the defendant, by **Friday, December 4, 2009**. The defendant's reply, if any, must be submitted by **Friday, December 18, 2009**. Each party filing a motion or opposition to any motion with the Court shall supply the Court with one courtesy copy, clearly marked as such.

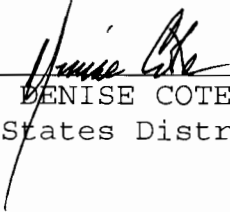
If any party should desire an extension of any of these deadlines, that party shall send a letter to the Court requesting the extension prior to the respective deadline. The request should state: the reasons why the extension is requested; whether the other party consents to the extension; and if the other party does not consent, the reasons supplied by that party.

The parties shall direct all communication with the Court relating to this case, including submissions of all pleadings, motion papers, and accompanying courtesy copies, to the Pro Se Clerk's Office at 500 Pearl Street, Room 230, New York, NY 10007, telephone: 212-805-0175. All correspondence with the Court must include an affidavit stating that a copy was sent to opposing counsel or party.

Should a defendant make a motion, plaintiff is advised that a failure to respond to the defendant's motion can result in the entry of judgment against the plaintiff.

SO ORDERED.

Dated: New York, New York
September 17, 2009



DENISE COTE
United States District Judge